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DA C \$

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number:

005513.P003

First named inventor: Ulrich Martin Graf

Application No.: 10/033,327

Art Unit: 2882

Filed: 11/2/01

Examiner: Ho, Allen C.

Title: **RADIOTHERAPY APPARATUS EQUIPPED WITH AN ARTICULABLE GANTRY FOR POSITIONING AN IMAGING UNIT**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF
THIS APPLICATION UNDER 37 CFR 1.137(b)**

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee \$_____ (37 CFR 1.17(m)).

☒ The Director is hereby authorized to charge the indicated fees and credit any overpayments to
Deposit Account No. 02-2666.

☒ Fee is enclosed.

10/07/2003 AWONDAF1 00000035 10033327

01 FC:1453

1330.00 OP

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is 10/30/02.

10/07/2003 AWONDAF2 00000004 10033327

01-FC:1453

1330.00 OP

(Page 1 of 2)

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SEND COMPLETED FORM TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OCT 09 2003



STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

October 1, 2003

Date

Signature

Telephone

Number: (408) 720-8300

André Gibbs

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
Telephone Number: (408) 720-8300

47,593

Registration No.

Enclosures: ☒ Fee Payment

☐ Additional Sheets containing statements establishing unintentional delay

☒ Other: Submission of Petition for Revival

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

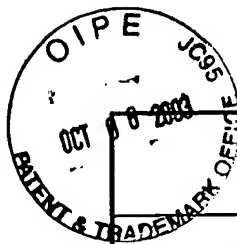
10-1-03

Date

Signature

ESTHER CAMPBELL

Typed or printed name of person signing certificate



SUBMISSION OF PETITION FOR REVIVAL

Docket Number:

005513.P003

First named inventor: Ulrich Martin Graf

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Applicant(s) believe(s) that the above-identified application may be regarded by the United States Patent and Trademark Office (USPTO) as abandoned. Accordingly, applicant(s) submit(s) herewith a Petition for Revival of An Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing in accordance with 37 CFR § 1.137(f). The Petition fee required under 37 CFR § 1.17(m) is submitted herewith. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

The above-identified application incorporates by reference another pending patent application that was foreign filed. Applicant(s) submit that the USPTO may misinterpret the requirements of 35 U.S.C. § 122, as requiring a notification of foreign filing in the above identified application due to the foreign filing of the incorporated patent application. If such is not the interpretation of the USPTO or if such an interpretation is not held by a court of proper jurisdiction, applicant(s) respectfully request a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid. The refund can be credited to Deposit Account No. 02-2666. If a refund is not forthcoming, applicant(s) reserve(s) the right to request a refund for the Petition fee based on a subsequent finding by the USPTO or a court of proper jurisdiction that the requirements of 35 U.S.C. § 122 have been misinterpreted.

October 1 2003

Date

Signature

Telephone

Number: (408) 720-8300

André Gibbs

Typed or Printed Name

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12400 Wilshire Blvd.

Seventh Floor

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10-1-03

Date

Esther Campbell

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